

**REMARKS**

By the present response, Applicant has canceled claim 2 without disclaimer. Further, claims 1, 6, 8, 9 and 14-19 have been amended to further clarify the invention. Claims 1 and 3-19 remain pending in this application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claim 6 has been objected to because of informalities. Claims 1, 3-7 and 13-17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,003,790 (Inoue et al.). Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue in view of U.S. Patent No. 5,416,693 (Yoshinari). Claims 8, 11 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue in view of Yoshinari and further in view of U.S. Patent No. 6,184,918 (Goldshmidt Iki et al.). Claims 9 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue in view of Yoshinari and Goldshmidt Iki et al. and further in view of U.S. Patent No. 7,006,881 (Hoffberg et al.). Claims 18 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue.

**Claim Objections**

Claim 6 has been objected to because of informalities. Applicant has amended this claim to further clarify the invention and respectfully requests that this objection be withdrawn.

35 U.S.C. § 102 Rejections

Claims 1, 3-7 and 13-17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Inoue et al. Applicant respectfully traverses these rejections.

Inoue et al. discloses a broadcast-program selection history information acquisition apparatus and its method where the totalization side can easily totalize selection history information. To acquire the selection history information of a broadcast program selected out of broadcast programs of a plurality of channels, the selection information of the broadcast program is stored at a predetermined acquisition timing and the selection history information which is composed of a plurality of pieces of selection information stored every plurality of acquisition timings is transmitted to a notification destination at a predetermined transmission timing.

Regarding claim 1, Applicant submits that Inoue does not disclose or suggest the limitations in the combination of this claim of, *inter alia*, an audience rating analyzer in the content provider being equipped with analytical tables for saving section information of a designated content per user, and in order to calculate the audience rating on every section of the content, the audience rating analyzer detecting a section of the content where an action by the user is made when the user record information is transferred from the interactive television, and increasing a frequency of the section among others in the analytical table. The Examiner appears to assert, on page 8 of the Office Action, that Inoue discloses these limitations in different portions of cols. 2, 3, 4, 9, 10 and 17. However, as noted previously, Inoue merely discloses

acquiring selection history information of a broadcast program selected out of broadcast programs, the selection information of the broadcast program being stored at a predetermined acquisition timing and the selection history information including a plurality of pieces of selection information being stored every plurality of acquisition timings being transmitted to a notification destination at a predetermined transmission timing (such as once a day). This is not calculating audience rating on every section of the content, as recited in the claims of the present application. Further, Inoue does not disclose or suggest increasing a frequency of the section among others in an analytical table after detecting a section of the content where an action by the user is made.

Further, the Examiner admits that Inoue does not disclose or suggest analytical tables but asserts that Yoshinari discloses these limitations in Figs. 3, 5, 7 and col. 6, lines 18-20, 49-57 and col. 7, lines 8-20. However, Yoshinari relates to a moving picture search support device where a particular scene or frame of a moving file that has been accessed in the past is weighted from an evaluation made by a degree of importance. The tables disclosed in Yoshinari relate to degrees of importance of portions of a moving file to be searched. This is not increasing a frequency of a section in an analytical table based on an audience rating analyzer detecting a section of the content where an action by the user is made, as recited in the claims of the present application.

Regarding claim 14, Applicant submits that Inoue does not disclose or suggest the limitations in the combination of this claim of, *inter alia*, calculating audience rating per section of a designated content as a frequency of the actions by the user made in the relevant content

increases. The Examiner appears to assert that Inoue discloses these limitations at col. 9, lines 54-63 with the disclosure of the data part being formed with the data showing the audition states of the user acquired by the CPU in order of the acquisitions, whenever acquiring the data in one time as one data unit (sample data). However, this is not calculating audience rating per section of a designated content, as recited in the claims of the present application. Further, Inoue, in the cited portions or anywhere else, does not disclose or suggest calculating audience rating per section of designated content as a frequency of the actions by the user made in the relative content increases.

Regarding claims 3-7, 13, 15, 16 and 17, Applicant submits that these claims are dependent on one of independent claims 1 and 14 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 1, 3-7 and 13-17 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

#### 35 U.S.C. § 103 Rejections

Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue et al. in view of Yoshinari. Applicant has canceled this claim therefore rendering this rejection moot.

Claims 8, 11 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable

over Inoue et al. in view of Yoshinari and Goldshmidt Iki et al. Applicant respectfully traverses these rejections and submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claims. Applicant submits that Goldshmidt Iki et al. does not overcome the substantial defects noted previously regarding Inoue et al. and Yoshinari.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 8, 11 and 12 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 9 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue in view of Yoshinari, Goldshmidt Iki et al. and Hoffberg et al. Applicant respectfully traverses these rejections and submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that Goldshmidt Iki et al. and Hoffberg et al. do not overcome the substantial defects noted previously regarding Inoue et al. and Yoshinari.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 9 and 10 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 18 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over

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Inoue et al. Applicant respectfully traverse these rejections and submits that these claims are dependent on independent claim 14 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submits that Inoue does not disclose suggest or render obvious the limitations in the combination of each of claims 18 and 19 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

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### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant submits that claims 1 and 3-19 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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